

108TH CONGRESS  
1ST SESSION

# S. 179

To amend title 23, United States Code, to provide for a prohibition on use of mobile telephones while operating a motor vehicle.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2003

Mr. CORZINE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 23, United States Code, to provide for a prohibition on use of mobile telephones while operating a motor vehicle.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Mobile Telephone Driv-  
5       ing Safety Act of 2003”.

6       **SEC 2. MOBILE TELEPHONE USE WHILE OPERATING**  
7       **MOTOR VEHICLES.**

8       (a) IN GENERAL.—Subchapter I of chapter 1 of title  
9       23, United States Code, is amended by adding at the end  
10      the following:

1 **“§ 165. Mobile telephone use while operating motor**  
 2 **vehicles**

3 “(a) DEFINITION OF MOTOR VEHICLE.—In this sec-  
 4 tion, the term ‘motor vehicle’ means a vehicle driven or  
 5 drawn by mechanical power and manufactured primarily  
 6 for use on public highways, but does not include a vehicle  
 7 operated only on a rail.

8 “(b) WITHHOLDING OF APPORTIONMENTS FOR NON-  
 9 COMPLIANCE.—

10 “(1) FISCAL YEAR 2005.—The Secretary shall  
 11 withhold 5 percent of the amount required to be ap-  
 12 portioned to any State under each of paragraphs  
 13 (1), (3), and (4) of section 104(b) on October 1,  
 14 2004, if the State does not meet the requirements  
 15 of paragraph (3) on that date.

16 “(2) SUBSEQUENT FISCAL YEARS.—The Sec-  
 17 retary shall withhold 10 percent of the amount re-  
 18 quired to be apportioned to any State under each of  
 19 paragraphs (1), (3), and (4) of section 104(b) on  
 20 October 1, 2005, and on October 1 of each fiscal  
 21 year thereafter, if the State does not meet the re-  
 22 quirements of paragraph (3) on that date.

23 “(3) REQUIREMENTS.—

24 “(A) IN GENERAL.—A State meets the re-  
 25 quirements of this paragraph if the State has  
 26 enacted and is enforcing a law that prohibits an

1 individual from using a mobile telephone (other  
2 than a mobile telephone used as described in  
3 subparagraph (B)) while operating a motor ve-  
4 hicle, except in the case of an emergency or  
5 other exceptional circumstance (as determined  
6 by the State).

7 “(B) HANDS-FREE DEVICES.—A State law  
8 described in subparagraph (A) may permit an  
9 individual operating a motor vehicle to use a  
10 mobile telephone with a device that permits  
11 hands-free operation of the telephone if the  
12 State determines that such use does not pose a  
13 threat to public safety.

14 “(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-  
15 ANCE AND NONCOMPLIANCE.—

16 “(1) PERIOD OF AVAILABILITY OF WITHHELD  
17 FUNDS.—Any funds withheld under subsection (b)  
18 from apportionment to any State shall remain avail-  
19 able until the end of the fourth fiscal year following  
20 the fiscal year for which the funds are authorized to  
21 be appropriated.

22 “(2) APPORTIONMENT OF WITHHELD FUNDS  
23 AFTER COMPLIANCE.—If, before the last day of the  
24 period for which funds withheld under subsection (b)  
25 from apportionment are to remain available for ap-

1       portionment to a State under paragraph (1), the  
 2       State meets the requirements of subsection (a)(3),  
 3       the Secretary shall, on the first day on which the  
 4       State meets the requirements, apportion to the State  
 5       the funds withheld under subsection (b) that remain  
 6       available for apportionment to the State.

7               “(3) PERIOD OF AVAILABILITY OF SUBSE-  
 8       QUENTLY APPORTIONED FUNDS.—

9               “(A) IN GENERAL.—Any funds appor-  
 10       tioned under paragraph (2) shall remain avail-  
 11       able for expenditure until the end of the third  
 12       fiscal year following the fiscal year in which the  
 13       funds are so apportioned.

14              “(B) TREATMENT OF CERTAIN FUNDS.—  
 15       Any funds apportioned under paragraph (2)  
 16       that are not obligated at the end of the period  
 17       referred to in subparagraph (A) shall be allo-  
 18       cated equally among the States that meet the  
 19       requirements of subsection (a)(3).

20              “(4) EFFECT OF NONCOMPLIANCE.—If, at the  
 21       end of the period for which funds withheld under  
 22       subsection (b) from apportionment are available for  
 23       apportionment to a State under paragraph (1), the  
 24       State does not meet the requirements of subsection  
 25       (a)(3), the funds shall be allocated equally among

1       the States that meet the requirements of subsection  
2       (a)(3).”.

3       (b) CONFORMING AMENDMENT.—The analysis for  
4       subchapter I of chapter 1 of title 23, United States Code,  
5       is amended by adding at the end the following:

“165. Mobile telephone use while operating motor vehicles.”.

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